

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BURNELL HENDRICKS,

Plaintiff,

v.

No. 9:02-CV-1437
(FJS/RFT)

EPKE D. EPKE, Superintendent;
LARRY WILLIAMS, Correction Officer;
W. DAVISON, Sergeant,

Defendants.

APPEARANCES:

OF COUNSEL:

BURNELL HENDRICKS
Plaintiff, *Pro Se*
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1K
Bronx, New York 10473

HON. ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendants Epke
and Davison
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MARIA MORAN, ESQ.
Asst. Attorney General

FREDERICK J. SCULLIN, JR., C.D.J.:

DECISION AND ORDER

The above-captioned matter having been presented to me by
the Report-Recommendation of Magistrate Judge Randolph F. Treece

filed March 7, 2005 and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no objections to said Report-Recommendation having been filed, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed March 7, 2005 is **ACCEPTED** in its entirety, for the reasons stated therein; and it is further

ORDERED, that Defendant Williams is **DISMISSED** due to Plaintiff's failure to properly and timely effectuate service; and it is further

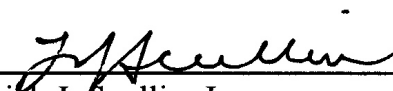
ORDERED, that the Defendants Epke's and Davison's Motion for Summary Judgment is **GRANTED**, and it is further

ORDERED, that Plaintiff's entire Complaint is **DISMISSED**, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of the Defendants and close this case.

IT IS SO ORDERED.

DATED: April 5, 2005
Syracuse, New York



Frederick J. Scullin, Jr.
Chief United States District Court Judge